



**MINUTES**  
**REGULAR MEETING OF THE PLANNING COMMISSION**  
**WEDNESDAY, JUNE 27, 2007**  
**EDINA CITY HALL COUNCIL CHAMBERS**  
**4801 WEST 50<sup>TH</sup> STREET**  
**EDINA, MN**

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**MEMBERS PRESENT:**

Chair John Lonsbury, Nancy Scherer, Kevin Staunton, Michael Schroeder, Steve Brown and Arlene Forrest

**MEMBERS ABSENT:**

Julie Risser, Mike Fischer, Floyd Grabel, Katie Sierks

**STAFF PRESENT:**

Cary Teague and Jackie Hoogenakker

**I. APPROVAL OF THE MINUTES:**

The minutes of the May 30, 2007, meeting were filed as submitted.

**II. NEW BUSINESS:**

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**C-07-2      Conditional Use Permit**  
**Calvin Christian School**  
**4015 Inglewood Ave, Edina, MN**

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**STAFF PRESENTATION:**

Mr. Teague told the Commission Calvin Christian School is proposing to build an 8,608 square foot media center, to the existing east building, and a 1,073 square foot entryway and restroom addition to the west building. They are also proposing to relocate the bus pick up and drop off area to the front of the schools. The request requires a conditional use permit, and a 10-foot variance from 50 feet to 40 feet for the restroom addition.

Mr. Teague explained that staff believes the proposal is reasonable for the following three reasons:

1. The proposal meets the conditional use permit findings.

2. The proposal meets all minimum zoning ordinance standards. Also, the plan would preserve the mature trees along the street. The applicant would also be adding landscaping around the new addition and bus drop off area.
3. The proposal would improve bus and parent drop off circulation. These two activities would be physically separated, which would provide a safer environment for the children entering the school.

Mr. Teague pointed out the school would continue to share the entrance with Weber Park along the south lot line. This driveway is in need of repair. The school has agreed to share the cost of reconstruction of this driveway, and will be entering into an agreement with the city for repairs and on-going maintenance. This should be made a condition of any approval of the conditional use permit.

Mr. Teague concluded staff recommends that the city council approve the conditional use permit with the variance for the additions to the Calvin Christian School at 4015 Inglewood Avenue based on the following:

- 1) Strict enforcement would cause undue hardship because of the following circumstances that are unique to this property:
  - a. The odd shaped lot caused by the curving of Inglewood Avenue.
  - b. The existing location of the building on the lot.
  - c. The existing west building does not have ADA accessible bathrooms.
- 2) The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
  - a. These are the only structures on this side of Inglewood Avenue. Visually the addition would have very little impact on the neighborhood.
  - b. The variance is for a minor point intrusion into the required setback.

Mr. Teague said if the Commission approves the requested Conditional Use Permit approval is subject to the following conditions:

1. Record this resolution with the county before the city issues a building permit.
2. The city council may reasonably add or revise conditions to address any future unforeseen problems.
3. The property owner must enter into an agreement with the city for an upgrade and maintenance of the shared driveway with Weber Park.
- 4) This variance will end one year from the date of approval, unless the city has issued a building permit for the project covered by this variance, or approved a time extension.

**APPEARING FOR THE APPLICANT:**

Mr. Ed Kodet, Kodet Architectural Group, Ltd.

## **COMMENTS FROM THE COMMISSION:**

Commissioners expressed their general satisfaction with the proposed additions, noting the proposed additions will improve many aspects of the site, including the roadway shared by the park, increased safety access for bus and vehicles, and meeting ADA requirements. Commissioner Schroeder requested that the City Forester review the landscaping plan especially as it relates to the proposed planting of Green Ash. Mr. Teague responded he would have the Forester review the plan. Commissioners also expressed support for the variance noting in their opinion hardship does exist as noted by staff.

## **APPLICANT PRESENTATION:**

Mr. Kodet thanked Mr. Teague for his presentation and told the Commission he was also re-reviewing the landscaping plan and is agreeable to suggestions from the Forester regarding replacement for the Green Ash.

## **ACTION BY THE COMMISSION:**

**Commissioner Brown moved to recommend Conditional Use Permit and Variance approval subject to staff conditions and the findings presented by staff. Approval is also conditioned on review of the landscaping plan by the Edina Forester. Commissioner Staunton seconded the motion. All voted aye; motion carried.**

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<b>P-07-3</b>	<b>Final Development Plan SMB Operating Co 6545 France Avenue Building Expansion</b>
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Mr. Teague informed the Commission the applicant is proposing to build a two-story 22,870 square foot addition to the existing 282,846 square foot Southdale Medical Center. The request required a Final Development Plan.

Mr. Teague said staff believes the request is reasonable for the following four reasons:

1. The proposed use is permitted in the RMD, Regional Medical Zoning District.
2. The proposed addition would meet all zoning ordinance requirements.
3. The plan would provide adequate parking spaces. The site currently provides 1,288 parking spaces. Based on the square footage of the building and addition, 1,444 spaces are required. A proof-of-parking plan has been provided, that shows an additional 145 spaces could be added to the top level of the parking ramp to meet the city code. Additionally, the surface and parking ramp could be re-stripped to add additional compact car spaces. By doing these two things, parking spaces would meet City

Code. The applicant does not believe that these stalls will be needed, but have agreed to construct them if parking becomes a problem. Traditionally this site is under-parked. The biggest issue has been trying to keep users of the hospital to the north, who don't want to pay for parking, out of this parking lot.

Mr. Teague explained staff does not recommend building an addition to the parking structure, if it is not needed. However, a condition of any approval should be that if parking becomes a problem, the additional stalls must be provided.

The applicant's parking plan would actually improve the parking situation on the site. Currently 60 spaces are leased out to off-site users. These leases would go away to make spaces available for patients. Also, parking on the main level of the parking ramp is currently not available to patients, and no public access to the parking ramp is available from Drew. These practices would also be eliminated. The result would be more main level patient parking, 40% of which would be covered; and the impacts on the entrances off 66<sup>th</sup> and 65<sup>th</sup> would be lessened by opening up the Drew entrance. Another access to the parking ramp would be added to southwest side of the ramp.

3. The existing roadways would support the project. URS conducted a traffic impact study, and concluded that the existing roadway system could support the proposed project. WSB reviewed the traffic study, and also concluded that the existing roadways would support the addition under certain conditions. Those conditions should be part of any approval of the project.

Mr. Teague also asked the Commission to note the Edina Transportation Commission met on June 21, 2007, and recommended approval of the traffic study.

Mr. Teague concluded staff recommends that the city council approved the final development plan for the building addition at 6545 France Avenue for SMB Operating Co based on the following findings:

- 1) The proposal would meet the required standards and ordinances for a final development plan.
- 2) The parking stalls would meet the city code with the proof of parking plan.

and subject to the following staff conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:

- Site plan date stamped June 6, 2007.

- Grading plan dated June 6, 2007.
  - Landscaping plan date stamped June 6, 2007.
  - Building elevations date stamped June 6, 2007.
  - Proof of Parking Plan date stamped June 6, 2007.
- 2) The property owner is responsible for replacing any required landscaping that dies.
  - 3) Should parking become a significant problem, staff will require the proof of parking stalls be constructed by adding the addition to the parking deck, and increasing the number of compact stalls.
  - 4) Submit a copy of the Nine Mile Creek watershed district permit. The city may require revisions to the approved plans to meet the district's requirements.
  - 5) All mitigation measures required by the transportation commission and by the transportation studies must be done by the applicant.
  - 6) All conditions required by the City Engineer in his June 15, and June 22, 2007 memorandum.

#### **APPEARING FOR THE APPLICANT:**

Mr. Dennis Zylla, 5353 Wayzata Blvd., was present representing the property owners.

#### **PRESENTATION BY APPLICANT:**

Mr. Zylla addressed the Commission and informed them he met with representatives from the Point of France and they had a discussion on the proposed project. Mr. Zylla referred to the staff report and told the Commission they have no problem with the suggested conditions of approval 1 through 4; however, do have a concern with #5. He said he assumed the City would re-strip, etc. Continuing, Mr. Zylla said he is also concerned with the requirement stipulated by the City Engineer eliminating the right-in-only entrance from West 66<sup>th</sup> Street. Mr. Zylla said this cut is heavily used and needs to be preserved. Mr. Zylla commented that better signage and realignment may be needed at this entrance, but eliminating it would be a mistake.

Mr. Zylla told the Commission the 60 stalls previously leased to the hospital would no longer be leased to them (freeing up those stalls) and access to the site from Drew Avenue will also benefit traffic circulation. Continuing, Mr. Zylla said traffic studies indicate that 10 AM and 2 PM appear to be the peak hours with a stall count taken at those times indicating 350 unused parking stalls. Mr. Zylla stressed there isn't a parking problem on this site, adding if the Final Development Plan is approved patients will have to be reeducated on circulation, entrances and using the ramp. Mr. Zylla acknowledged more education may also be needed to make the ramp a more attractive option, pointing out it is covered parking with tunnel access to the building. Mr. Zylla said there is no problem with the requested proof of parking, reiterating the site at present doesn't have a parking problem and the proposed addition would not impact parking, and would provide a covered drop-off area as an additional benefit.

Mr. Zylla asked the Commission to note that Code was met with regard to landscaping; however, they have an issue with the recommended islands. Mr. Zylla said in his opinion snow removal issues are created around islands and it is very important to keep the lot clear of snow. Mr. Zylla asked the Commission to also note that after completion of the addition the entire lot will be re-stripped.

#### **COMMENTS FROM THE COMMISSION:**

Commissioner Brown indicated he would abstain from the vote; however would participate in the discussion.

Commissioners expressed concern with the elimination of parking spaces as a result of the building addition and that the proof of parking agreement doesn't preserve green space, which is the main reason proof of parking agreements are implemented. Commissioners also noted the proposed addition is to France Avenue, pointing out the majority of parking for the site occurs in the west parking lot along France Avenue.

Commissioners also expressed concern over present traffic circulation into the west lot off West 65<sup>th</sup> Street noting drive aisles are narrow and stall configuration is confusing. Commissioners also pointed out at present patients are dropped off at the front entrance creating a very narrow space to navigate. Commissioners told the proponents safety is of the utmost importance to them and while the covered drop-off area is a benefit to the building the drive aisle widths may not be adequate in providing proper circulation. Commissioners said they tend to agree with the comment from Mr. Zylla that leaving the access point open from West 66<sup>th</sup> Street may be best; however, would defer that request to the City Engineer.

#### **SPEAKING FROM THE PUBLIC:**

Dr. Owen O'Neil informed the Commission he is one of the proponents of this project adding as a physician it is very important to him and to his patients that adequate parking is provided, adding he believes that adequate parking is provided on this site. Dr. O'Neil pointed out the drop-off area at Southdale Medical isn't too dissimilar from the drop-off area at 7373 France, except the ramp location at 7373 is below grade. Continuing, Dr. O'Neil asked the Commission to note they also intend to provide valet parking services for patients. Dr. O'Neil said he believes valet parking will be a very positive tool. Commissioner Brown asked Dr. O'Neil where the valet parking would occur. Dr. O'Neil responded he believes the valet parking will occur in the ramp or behind the building.

Chair Lonsbury closed the public hearing.

#### **COMMENTS AND QUESTIONS FROM THE COMMISSION:**

Commissioner Scherer asked Mr. Teague if the City has ever implemented other proof of parking agreements. Mr. Teague responded he hasn't been with the City very long' but to the best of his knowledge the City hasn't had to implement any agreements. Continuing, Mr. Teague said he spoke with the City Attorney about the proof of parking agreement and the City Attorney indicated he supported the agreement. Mr. Teague acknowledged that usually proof of parking agreements are used as a tool to retain green space which isn't the case in this situation.

Commissioners acknowledged that they believe the introduction of valet parking is a plus for the site with the suggestion that valet parking is also added to the proof of parking agreement.

Chair Lonsbury commented he has some concern that this agreement could be perceived as a financial advantage for the property owners, adding if the City doesn't require them to build the parking required by code (via ramp) could the rents charged be lower than similarly zoned properties that adhered to code.

Commissioner Staunton acknowledged there are many options to wrestle with; however, in his opinion on this piece of property it may not matter if the proof of parking and other measures are implemented because most visitors to the building will continue to park in the west lot in front of the building. Commissioner Schroeder also pointed out the spaces provided in the proof of parking agreement are not easily seen and are not easily accessible.

### **COMMISSION ACTION:**

**Commissioner Staunton moved to recommend Final Development Plan approval:**

**Approval is conditioned on:**

- **City Attorney review and implementation of the Proof of Parking Agreement, and should parking become a problem the City will require that additional stalls be added to the parking deck, and the number of compact parking stalls increased.**
- **Approval is also conditioned on the immediate addition of valet parking. Valet parking at the front entrance is an important tool in channeling cars away from that entrance, with the further suggestion that valet parking is also added to the Proof of Parking Agreement.**
- **Nine Mile Creek Watershed District Permit**
- **A survey of the property *as it exists* today.**
- **Provide a boulevard style sidewalk along France Avenue from West 66<sup>th</sup> Street to West 65<sup>th</sup> Street.**
- **Take Mr. Zylla's request under advisement to *retain* the right-in-only entrance from 66<sup>th</sup> Street.**

- Provide landscaped islands at end of parking aisles to help circulation and the property owner is responsible for replacing any required landscaping that dies.
- All conditions required by the transportation commission and by the transportation studies must be done by the applicant.

Approval is also subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans unless modified by the conditions listed below:

- site plan date stamped June 6, 2007
- grading plan dated June 6, 2007
- landscaping plan date stamped June 6, 2007
- building elevations date stamped June 6, 2006
- a Proof of Parking Agreement drafted and recorded

Commissioner Scherer seconded the motion. Ayes; Scherer, Staunton, Schroeder, Forrest, Lonsbury. Abstain. Brown. Motion carried.

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LD-07-02:                      Lot division  
York Avenue Partners  
3201 and 3101 West 69<sup>th</sup> Street .

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**STAFF PRESENTATION:**

Mr. Teague explained to the Commission the applicant is proposing to shift the existing lot line through these two properties for the purpose of redeveloping the site per the approved plans for Best Buy and an 85 unit apartment building. The result would be that each use would be on its own property.

Mr. Teague stated staff believes the request is reasonable, adding, there would be no change to the approved plans. The proposal is simply to have each use on its own property. The properties are zoned PCD-3, Planned Commercial District. In the PCD-3 District, there are no required setbacks between two properties, and no minimum lot size or width requirements. The proposal would meet all zoning ordinance requirements.

Mr. Teague concluded that staff recommends that the city council approve the lot division as requested.

**APPEARING FOR THE APPLICANT:**

Mr. Tom Miller, property owner.



### **ACTION BY THE COMMISSION:**

Commissioner Brown moved to recommend lot division approval. Commissioner Staunton seconded the motion. All voted aye; motion carried.

### **III. OTHER BUSINESS:**

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Presentation by WSB of the draft Gateway AUAR recommending that the Planning Commission forwards the AUAR to the City Council to authorize distribution.

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### **APPEARING FOR WSB & ASSOCIATES:**

Andrea Moffatt and Lynn Miller.

### **APPEARING FOR PENTAGON OFFICE PARK/GATEWAY:**

Walter Rockenstein, Fagre & Benson, Wells Fargo Tower, Minneapolis.

### **PRESENTATION BY WSB:**

Ms. Moffatt addressed the Commission and explained the draft Gateway Study Area Alternative Urban Areawide Review (AUAR) is comprised of 135 acres between TH100, the Fred Richards Golf Course, France Avenue, and Edina's border with Bloomington. Ms. Moffatt said the proposed Gateway LLC redevelopment of the Pentagon Towers and Pentagon Tower Quads sites requires environmental review by Minnesota rules.

Continuing, Ms. Moffatt told the Commission the purpose of the AUAR is to identify environmental impacts associated with development/redevelopment within the study area. Ms. Moffatt asked the Commission to note these impacts have been evaluated for four different development scenarios within that area.

With graphics Ms. Moffatt explained the four different development scenarios, noting the purpose of the AUAR is to analyze major environmental issues on surrounding areas as a result of these four scenarios. Ms. Moffat said the identified issues include traffic, air, and noise, storm water management, wetlands, sanitary sewer/wastewater, erosion and sedimentation, parks and trails, and other environmental issues identified through the process.

Ms. Moffat said at this time the Planning Commission is being requested to review the Draft AUAR and the impacts and mitigation plan outlined in the draft, adding the Commission is to recommend to the City Council that they authorize the distribution of the AUAR to the required review agencies. Ms. Moffat further explained once the City Council authorizes distribution of the

AUAR it will be submitted to the required review agencies for a 30-day comment period.

Ms. Moffatt with the aide of graphics explained the storm water management and sewer/wastewater impacts from the four scenarios within the Gateway study area.

Ms. Lynn Miller, WSB with the aide of graphics pointed out potential changes to key intersections and roadway systems to accommodate development in the Gateway study area.

### **COMMENTS FROM THE COMMISSION:**

Commissioners expressed concern that the AUAR is proceeding before the Comprehensive Plan is adopted. Commissioners noted the four scenarios address potential development changes in that study area; however, the revised Comp Plan may not reflect those same scenarios and other property owners in the study area may not intend to develop their property according to those scenarios. Commissioners also suggested the possibility of adding a scenario #5, consisting of mostly retail, which is the most intense land use. Continuing, Commissioners also expressed concern that Bloomington isn't part of the process and what occurs in Bloomington impacts Edina. Commissioners also noted development changes could occur outside the study area that could have further environmental impacts for the City.

### **RESPONSE FROM WSB AND ATTORNEY FOR PENTAGON PROPERTIES:**

Ms. Moffat stressed that the AUAR is the City's document resulting from a specific redevelopment request (Gateway); however, the document if adopted does not negate this property owner nor any other property owner or developer from appearing before both the Commission and City Council for review and approval of their specific proposal(s) (i.e. Final Development Plan, Rezoning, etc) within the Gateway Study Area. The AUAR if adopted would need to be updated in five years if all the development analyzed in the study area has not been developed.

Mr. Rockenstein told the Commission it would be difficult if not impossible to add an additional "scenario" to the process. Mr. Rockenstein said the process is required to be completed within 120 days to avoid requests "stalling out". Mr. Rockenstein explained if an additional scenario were added to the AUAR that request would eat-up the remaining time. Mr. Rockenstein said in response to comments about Bloomington being brought into the process, Bloomington isn't the governing body, Edina is, and an AUAR study can't be conducted in a different City. Continuing, Mr. Rockenstein noted Bloomington is identified as a "review agency" and will have the opportunity to comment during the 30-day comment period. Mr. Rockenstein added if Bloomington does have comments, or any other "review agency" those comments would need to be addressed.

Concluding Mr. Rockenstein said when the AUAR was drafted all recently approved developments and future developments still “in the pipe-line” (within an identified target area) were identified and incorporated in the draft AUAR.

**SPEAKING FROM THE PUBLIC:**

No public present.

**ACTION BY COMMISSION:**

**Mr. Staunton moved to recommend that the City Council authorize distribution of the draft Gateway, AUAR. Commissioner Schroeder seconded the motion. All voted aye; motion carried.**

**IV. ADDITIONAL PUBLIC COMMENT AND ADJOURNMENT:**

No public comment.

The meeting was adjourned at

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**Submitted by**